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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 LARRY ALEXANDER,

11 Plaintiff,

No. CIV S-03-1014 LKK KJM P

12 vs.

13 LIEUTENANT PLAINER, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is a state prison inmate proceeding pro se with a civil rights action under
17 42 U.S.C. § 1983.

18 I. Extension Of Time; Presence Of Witnesses

19 On October 29, 2007, plaintiff requested additional time in which to file his
20 motion to obtain the presence of witnesses at trial. This request is granted nunc pro tunc and the
21 motions filed November 1 and November 8, 2007 are deemed timely.

22 On November 1, 2007, plaintiff filed a letter, asking the court to serve a subpoena
23 on Officer W. Patton. He has not tendered the required witness fees and mileage. Even though
24 plaintiff is proceeding in forma pauperis, he is not exempt from paying the necessary fees.

25 Plaintiff has asked that the court issue writs of habeas corpus ad testificandum for
26 Inmate Moore, H-82249 for trial. Plaintiff has made the required showing.

1 Motion To Compel

2 In an order filed concurrently with the findings and recommendations filed
3 January 24, 2007, the court denied plaintiff's motion for a review of the defendants' personnel
4 files. Plaintiff has filed a renewed motion to compel, arguing that he was unable to file the
5 motion within the time established in the scheduling order because he was unable to get to the
6 law library. See also Docket No. 114. He does not further explain, however, how this prevented
7 him from filing his motion.

8 IT IS THEREFORE ORDERED:

9 1. Plaintiff's October 29, 2007 motion for an extension of time is granted nunc
10 pro tunc;

11 2. Plaintiff's November 1, 2007 request to have the court subpoena Officer
12 Patton is denied;

13 3. Plaintiff's November 8, 2007 request for the issuance of a writ of habeas
14 corpus ad testificandum as to Inmate Moore, H-82249 is granted, to be issued in a timely fashion
15 to secure Moore's presence for the April 15, 2008 trial; and

16 4. Plaintiff's November 8, 2007 motion to compel discovery is denied.

17 DATED: December 17, 2007.

18 
19 U.S. MAGISTRATE JUDGE

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